

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1980 be amended to read as follows:

- 1 Page 7, after line 18, begin a new paragraph and insert:
- 2 "SECTION 15. IC 36-1-14-1 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:
- 4 Sec. 1. (a) **This section does not apply to an education foundation**
- 5 **described in section 1.5 of this chapter.**
- 6 (b) Notwithstanding IC 8-1.5-2-6(d), a unit may donate the
- 7 proceeds from the sale of a utility or facility or from a grant, a gift, a
- 8 donation, an endowment, a bequest, or a trust to a foundation under the
- 9 following conditions:
- 10 (1) The foundation is a charitable nonprofit community
- 11 foundation.
- 12 (2) The foundation retains all rights to the donation, including
- 13 investment powers.
- 14 (3) The foundation agrees to do the following:
- 15 (A) Hold the donation as a permanent endowment.
- 16 (B) Distribute the income from the donation only to the unit
- 17 as directed by resolution of the fiscal body of the unit.
- 18 (C) Return the donation to the general fund of the unit if the
- 19 foundation:
- 20 (i) loses the foundation's status as a public charitable
- 21 organization;
- 22 (ii) is liquidated; or
- 23 (iii) violates any condition of the endowment set by the
- 24 fiscal body of the unit.

1 SECTION 16. IC 36-1-14-1.5 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]: **Sec. 1.5. (a) As**
 4 **used in this section, "education foundation" means a foundation**
 5 **that is:**

6 (1) **organized under the Indiana Nonprofit Corporation Act**
 7 **of 1991 (IC 23-17);**

8 (2) **organized exclusively for educational, charitable, and**
 9 **scientific purposes; and**

10 (3) **formed for the purpose of providing educational**
 11 **resources to:**

12 (A) **a particular school corporation or school**
 13 **corporations; or**

14 (B) **the schools in a particular geographic area.**

15 (b) **Notwithstanding IC 8-1.5-2-6(d), a unit may donate the**
 16 **proceeds from the sale of a utility or facility or from a grant, a gift,**
 17 **a donation, an endowment, a bequest, or a trust to an education**
 18 **foundation under the following conditions:**

19 (1) **The education foundation retains all rights to the**
 20 **donation, including investment powers.**

21 (2) **The education foundation agrees to return the donation**
 22 **to the general fund of the unit if the foundation:**

23 (A) **loses the foundation's status as a public charitable**
 24 **organization;**

25 (B) **is liquidated; or**

26 (C) **violates any condition of the endowment set by the**
 27 **fiscal body of the unit.**

28 (c) **An education foundation may distribute both principal and**
 29 **income to the unit as directed by the fiscal body of the unit.**

30 **SECTION 17. An emergency is declared for this act."**

31 Renumber all SECTIONS consecutively.

(Reference is to HB 1980 as printed February 16, 1999.)

Representative Bischoff